

## **EXHIBIT J**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY MANGANIELLO,

Plaintiff,

**AFFIDAVIT OF SHAWN  
ABATE**

-against-

07 Civ. 3644 (HB)

THE CITY OF NEW YORK, DET. LUIS AGOSTINI,  
individually and as a New York City Police Detective,  
SHAWN ABATE, individually and as a New York City  
Police Detective, DEREK PARKER, individually and as a  
New York City Police Detective, LT. HENRY SCOTT,  
individually and as a New York City Police Lieutenant,  
P.O. ALEX PEREZ, individually and as a New York City  
Police Officer, P.O. MIRLAN NIEVES, individually and as  
a New York City Police Officer, MICHAEL PHIPPS,  
individually and as the Commanding Officer of the 43<sup>rd</sup>  
Precinct, JOHN McGOVERN, individually and as a New  
York City Police Detective Sergeant, ROBERT  
MARTINEZ, individually and as a New York City Police  
Detective, GERYL McCARTHY, individually and as a  
New York City Police Deputy Inspector,

Defendants.  
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SHAWN ABATE being duly sworn, hereby deposes and states under penalty of  
perjury that the following is true and correct.

1. I am a retired member of the New York City Police Department. I was employed with the Police Department for 20 years. At the time that I retired on July 27, 2005, I held the rank of Detective Second Grade and was assigned to the 43 Precinct Detective Squad.
2. On April 20, 2001 I arrested Anthony Manganiello pursuant to a warrant procured by the Bronx County District Attorney's Office for Mr. Manganiello's arrest.
3. I personally did not make the decision to obtain the warrant for Mr. Manganiello's arrest.

4. Subsequent to my arrest of Mr. Manganiello, I had no involvement in any decisions regarding Mr. Manganiello's criminal prosecution.

5. It is my understanding that the District Attorney's Office made the decision to prosecute Mr. Manganiello and determined what charges to pursue against him.

6. Furthermore, I did not encourage or urge the District Attorney's Office to prosecute Mr. Manganiello.

7. I did not determine what charges to present to the Grand Jury.

8. In fact, I had no input in District Attorney's determination to present a case against Mr. Manganiello to the Grand Jury or to seek an indictment against him.

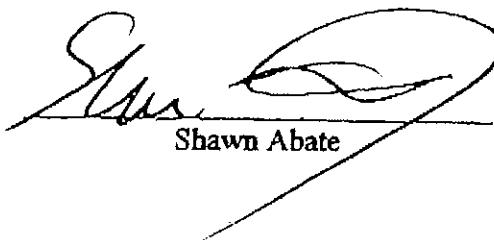
9. To the best of my recollection, I testified before the Grand Jury in the matter of The People of the State of New York against Anthony Manganiello. To the best of my recollection, I testified only to the fact that I arrested Mr. Manganiello on April 20, 2001. I did not testify about the police investigation into the homicide of Albert Acosta.

10. I did not withhold any information from the District Attorney's Office or from the Grand Jury.

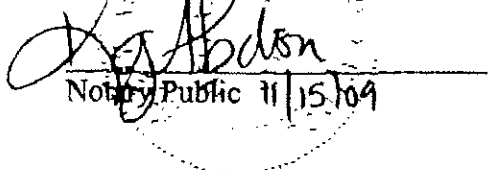
11. I testified truthfully, accurately, and to the best of my ability before the Grand Jury.

12. Moreover, I did not encourage, coerce or threaten any witness to testify before the Grand Jury.

Dated: New York, New York  
April 11, 2008

  
Shawn Abate

Subscribed and sworn to  
before me on April 11, 2008

  
Notary Public 11/15/04